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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,971	08/24/2001	Mark Hall	AEDXC.0112	2146

7590 03/26/2004  
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EXAMINER

LE, DEBBIE M

ART UNIT PAPER NUMBER

2177

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/938,971

Applicant(s)

HALL, MARK

Examiner

DEBBIE M LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/28/01 (pp# 3) is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 10-11, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al (USP Application No. 2002/0073086 A1).

As per claims 1, 10 and 13, Thompson discloses a system comprising:

accessing a content aggregator (¶ 0052, lines 1-13);

transmitting a query to the content aggregator (¶ 0047, lines 1-2); and

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transmitting the query from the content aggregator to a remote agent (§ 0061, lines 12).

As per claims 2, 11, and 14 the method of claim 1, Thompson further comprising: searching a network for content responsive to the query via the remote agent (§ 0061, lines 13-14);

transmitting the content from the remote agent to the content aggregator (§ 0061, line 15);

processing the content by the aggregator (§ 0061, line 16); and,

transmitting the processed content to a client (§ 0061, line 17).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (USP Application No. 2002/0073086 A1) in view of Eisendrath et al (USP 6,347,333 B2).

As per claim 3, the method of claim 2, Thompson does not explicitly teach wherein the remote agent is located on a learning resource provider and a content

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provider computer network. However, Eisendrath teaches the remote agent is located on a learning resource provider (course catalog) and a content provider (virtual university) computer network (online campus) (col. 6, line 27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to search for information in different resources through the network because it reduces the network connection congestion and bandwidth usages (Thompson, ¶ 0074-0075).

As per claims 4, the method of claim 2, Eisendrath teaches wherein the content aggregator processes the content by statistically weighting at least one variable based on an academic institution, content price, content credit, content subject, or content location (col. 1, lines 14-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to search for information in different resources through the network because it reduces the network connection congestion and bandwidth usages (Thompson, ¶ 0074-0075).

As per claim 5, the method of claim 2, Eisendrath teaches wherein the content aggregator monitors academic credit acquired by the client (col. 8, lines 50-52).

As per claim 6, the method of claim 2, Eisendrath teaches wherein the content aggregator provides incentives to the client for purchasing, content from at least one learning resource provider (col. 2, line 55).

As per claims 7-9, the method of claim 2, Eisendrath teaches wherein the content aggregator receives a discount from a learning resource provider based on the amount

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of content received by the client, the content aggregator receives a discount from a content provider based on the amount of content received by the client, the client receives a discount from the aggregator based on the amount of content received by the client (col. 8, lines 38-50).

Claims 12 and 15 have similar limitations as to claims 4; therefore, they are rejected by the same subject matter.

### ***Conclusion***

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le

March 17, 2004.



ORETA ROBINSON  
PRIMARY EXAMINER